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FM AMEMBASSY JAKARTA
TO RUEHC/SECSTATE WASHDC IMMEDIATE 0335
INFO RUEHZS/ASSOCIATION OF SOUTHEAST ASIAN NATIONS PRIORITY
RUEHBJ/AMEMBASSY BEIJING 5493
RUEHBY/AMEMBASSY CANBERRA 3161
RUEHLM/AMEMBASSY COLOMBO 1371
RUEHKA/AMEMBASSY DHAKA 1344
RUEHNE/AMEMBASSY NEW DELHI 2328
RUEHPB/AMEMBASSY PORT MORESBY 4036
RUEHUL/AMEMBASSY SEOUL 5010
RUEHKO/AMEMBASSY TOKYO 2605
RUEHWL/AMEMBASSY WELLINGTON 3167
RUEHHK/AMCONSUL HONG KONG 3026
RUEHBA/AMCONSUL PERTH 1199
RHEFDIA/DIA WASHINGTON DC
RHMCSUU/FBI WASHINGTON DC
RUEAIIA/CIA WASHDC
RUEAWJA/DEPT OF JUSTICE WASHDC
RHHJJPI/USPACOM HONOLULU HI
RHEHNSC/NSC WASHDC

C O N F I D E N T I A L SECTION 01 OF 02 JAKARTA 001920

SIPDIS

DEPT FOR EAP, EAP/MTS, EAP/MLS, S/CT, INL FOR
BARCLAY/ROESS/BUHLER
DOJ FOR CRIM AAG SWARTZ, DOJ/OPDAT FOR
LEHMANN/ALEXANDRE/BERMAN
DOJ/CTS FOR MULLANEY, ST HILAIRE
FBI FOR ETTUI/SSA ROTH
NCTC WASHDC
NSC FOR E.PHU

E.O. 12958: DECL: 10/15/2018
TAGS: [PGOV](#) [PTER](#) [KJUS](#) [ID](#) [AS](#)
SUBJECT: BALI BOMBERS -- CONSTITUTIONAL COURT SLATED TO
RULE ON APPEAL

REF: A. JAKARTA 1832
[1](#)B. JAKARTA 1611 AND PREVIOUS

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Classified By: Pol/C Joseph L. Novak, reasons 1.4(b+d).

[1](#)1. (C) SUMMARY: The Constitutional Court is slated to rule on the Bali bombers' last-ditch appeal of their death sentences on October 21. If the ruling upholds the sentences, the GOI has announced that it intends to move forward with execution plans.

[1](#)2. (C) SUMMARY (Con'd): Despite this announcement, there continues to be doubt about GOI intentions. Some observers wonder whether the government will choose to postpone action until after next year's elections due to concerns about reaction from Muslim groups. For their part, GOI contacts say the government will implement the sentences in the near-term, when all legal avenues are exhausted. END SUMMARY.

CONSTITUTIONAL COURT TO RULE

[1](#)3. (C) The Bali bombers' case may be approaching its legal end-game. The Constitutional Court is scheduled on October 21 to read its verdict in the Bali bombers' appeal against the form of death penalty used in Indonesia. The Bali bombers' attorneys asked the Constitutional Court to review whether execution by firing squad constituted torture and was therefore unconstitutional (ref A). The Court is also evaluating the legal basis for Indonesia's death penalty.

[1](#)4. (C) The case is an important one for the Indonesian

judiciary. It will be a bellwether for the new Chief Justice, Mohammad Mahfud Mahmodin (known as "Mahfud"), who is said to be rigorous in his judicial reasoning and commitment to a secular Indonesia (ref B). According to an adviser to the Constitutional Court, the general consensus among the Court's justices appears to be to uphold the constitutionality of Indonesia's use of capital punishment. Court contacts say the justices are under political pressure to uphold the constitutionality of the law.

15. (U) The case was brought to the Constitutional Court by the Bali bombers' after the convicted terrorists had exhausted all their appeals in the Supreme Court system. In terms of the law, the three (all of whom are completely unrepentant) could still request clemency for their crimes, though they have publicly stated that they do not plan to do so.

ATTORNEY GENERAL'S OFFICE WAITS FOR RULING

16. (SBU) The Attorney General's Office has announced that it awaits the ruling and plans to move forward with execution plans if the Court upholds the sentences. The three terrorists, Amrozi (one name only), Imam Samudra and Ali Gufon are on death row, incarcerated on an island prison located off of Central Java. They were given death sentences for their roles in the October 2002 Bali bombing that killed 202 people. A special GOI execution squad has been tasked with moving into place once the executions are ordered by the government. (Note: The terrorists continue to be given access to the press. In the sort of remark he has made before, Amrozi was quoted recently as warning of revenge attacks should the government execute him and his two

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friends.)

GOI CONTACTS DENY ANY INTENTION TO POSTPONE

17. (C) Despite this announcement, there continues to be doubt about GOI intentions. Some observers wonder whether the government will choose to postpone the executions until after next year's elections. The basis for this claim is that the government is afraid of alienating Muslims groups during this politically sensitive timeframe. A recent article in the English-language Jakarta Post entitled "Execution delays could turn terrorists into Martyrs" touched on this theme.

18. (C) For their part, GOI contacts have told us that the government plans to move forward promptly with the executions once all legal roadblocks are out of the way. These contacts have also noted that very few Indonesians sympathize with the three bombers, seeing them as terrorists who killed indiscriminately. Moreover, no mainstream organizations of whatever stripe have called for the Bali bombers to be spared execution. In light of this, these contacts say there is no political dynamic involved in the situation, but only time-consuming legal and administrative aspects that need to be fully dealt with.

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